

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: March 16, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: IN-CUSTODY DEATH 012-19 FOR 3/24/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Van Nuys	4/8/19	4:10 a.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Briscoe, J./Sgt I	11 years, 3 months
Andreas, T./Sgt I	17 years, 5 months
Richmond, D./PO II	4 years, 4 months
Hunt, J./PO II	3 years, 3 months
Menasakanian, T./PO II	2 years, 4 months
Sampson, W./PO I	6 months

Total Involved Officer(s)

2 x Sgt. I

3 x PO II

1 x PO I

<u>Suspect(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Jacobo Juarez Cedillo: Hispanic Male, 50 years of age.

COP Recommendations

Tactics – Tactical Debrief, Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian, and Sampson.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Richmond and Hunt.

IG Recommendations

Tactics – *Administrative Disapproval, Sergeant Briscoe, along with Officers Richmond and Hunt. Same as COP, Sergeant Andreas, along with Officers Menasakanian and Sampson.*

Non-Lethal Use of Force – *In Policy, No Further Action (initial applications), Officer Richmond; Out of Policy (final application), Officer Richmond. Same as COP, Officer Hunt.*

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INVESTIGATION

Synopsis:

Los Angeles Police Department (LAPD) uniformed patrol officers assigned to Van Nuys Division conducted a pedestrian stop of a man behaving erratically at the intersection of Woodman Avenue and Sherman Way. Once detained, the individual became increasingly agitated and attempted to pull away from the officers. He was forced to the ground where he continued to struggle, causing the officers to utilize body weight to control the suspect's movement. A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) was requested and began treating the suspect at scene. Shortly thereafter, the suspect went into cardiac arrest and was transported to Valley Presbyterian Hospital, where he died six days later.

Annotated Force Investigation Division (FID) Incident Summary¹

On April 8, 2019, at approximately 0410 hours, Van Nuys Division uniformed Police Officers II, Dustin Richmond, Serial No. 41875, and Joseph Hunt, Serial No. 42370, assigned Unit 9A23, were traveling north on Woodman Avenue approaching Sherman Way in a marked black and white police vehicle. The officers observed a male, later identified as Jacobo Juarez Cedillo, seated on the driveway of the 76 Gas Station on Sherman Way, just east of Woodman Avenue.

According to Officers Richmond and Hunt, they observed Cedillo waving his arms in the air and yelling unintelligibly as they turned east on Sherman Way. They also observed a vehicle nearly run Cedillo over as he lay on his back in the driveway (Investigators' Note No. 1).

Security video from the 76 Gas Station captured portions of the incident and recorded a white Toyota Tundra pick-up truck with California license plate 36976R1, drive out a secondary driveway east of Cedillo, and travel west on Sherman Way.²

Note: According to Officers Richmond and Hunt, they believed the pick-up truck exited the same driveway where Cedillo was positioned (Investigators' Note No. 2).

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² The referenced 76 Gas Station video footage was captured by an exterior camera mounted to the cashier's booth. The camera faced south toward Sherman Way. The time stamp of that video was determined to be approximately 24 seconds behind BWV and DICV times. Time stamps of BWV and DICV were consistent with broadcasts from a Communications Division (CD) recording of the Van Nuys Division frequency during the time span of this incident. The BWV time stamp was indicated in "Zulu Time" or Greenwich Mean Time, which is seven hours ahead of Pacific Standard Time.

According to Officer Richmond, he and Officer Hunt discussed Cedillo's behavior and were unable to tell if he was in distress, attempting to flag them down, or trying to kill himself.³ The officers communicated their observations to one another and decided to check on Cedillo's wellbeing.⁴ Officer Hunt negotiated a U-Turn on Sherman Way and parked their vehicle facing west at the north curb, just east of Cedillo. Officer Richmond broadcast over Van Nuys Division frequency they were Code Six on a "415 man" at the northeast corner of Woodman Avenue and Sherman Way.⁵

According to Officers Richmond and Hunt, as they exited their vehicle and approached on foot, they observed Cedillo displaying behavior consistent with being under the influence of methamphetamine, including rapid and jerking movements of his head and body, incoherent speech, heavy breathing, repetitive licking of his lips, and muscle rigidity.⁶

Note: Cedillo's brother, Juan Carlos Juarez Cedillo, indicated that he believed his brother was a frequent user of methamphetamine in the months prior to his death. He described the symptoms his brother displayed while under the influence as side to side head movement, sticking his tongue out, excessive movement, and the opening and closing of his mouth. Juan Carlos said he was with Cedillo the day prior to the use of force and believed his brother was under the influence of methamphetamine at that time. He also indicated Cedillo had been a chronic user of marijuana for the past 15 years.

Without direction to do so, Cedillo placed his hands behind the back of his head and then to the small of his back. Both officers believed Cedillo was assuming a handcuffing position, which indicated to them he had prior contacts with law enforcement. Officer Richmond characterized Cedillo's actions as inconsistent with the behavior of an average citizen and was concerned he might have been in possession of something that could have harmed them. He also believed Cedillo was possibly looking for an opportunity to hurt himself by lying in the driveway in the path of moving vehicles. Officer Richmond indicated that to prevent the situation from escalating, he and his partner approached Cedillo to handcuff him and begin a narcotics investigation.

³ Officer Richmond, four years, four months with the Department, 30 years of age, 6 feet 4 inches tall, approximately 250 pounds. Officer Hunt, three years, three months with the Department, 24 years of age, 6 feet 3 inches tall, approximately 210 pounds. Both officers were dressed in full uniform and wearing a ballistic vest. They were each equipped with a Department-approved handgun, handcuffs, a canister of Oleoresin Capsicum (OC) spray, Hobble Restraint Devices (HRD) and collapsible batons attached to their Sam Browne equipment belts. They were also equipped with side-handle batons in their vehicle (Shop No. 80501) at the time of the incident. Officer Richmond was the passenger and Officer Hunt was driving.

⁴ Jacobo Juarez Cedillo was 50 years of age, 5 feet 5 inches tall, weighing approximately 146 pounds.

⁵ "415 man" is a radio communication term referring to California Penal Code section 415, Disturbing the Peace.

⁶ Both officers indicated they had prior training in drug symptomology and experiences in dealing with individuals who were under the influence of narcotics.

As the officers walked up to Cedillo from opposite sides, Officer Richmond grabbed the suspect's left arm by the wrist and elbow. Officer Hunt grabbed Cedillo's right wrist and handcuffed his hands behind his back. Officer Richmond then broadcast a Code Four and advised CD that the suspect was in custody.



[Image obtained from the 76 Gas Station security video]

As Cedillo remained seated, Officer Hunt asked him what was wrong and why he was sitting [in the driveway]. Cedillo replied that he did not have a problem, was homeless, and that he wanted to go to work the next day. When questioned by both officers as to whether Cedillo was on probation or parole, he responded, *"I have court 22."* The officers interpreted his response to mean he had a future court date, which further supported their belief that he had prior contacts with law enforcement. Officer Richmond attempted to determine Cedillo's identity at that point by asking his name. Officer Richmond did not understand his response, because it sounded to him that Cedillo was repeating one name over and over as if it were both his first and last name.

Officer Richmond observed several bulges in Cedillo's pockets and was concerned he possibly was in possession of a weapon or [hypodermic] needles. Officer Richmond indicated that in an effort to protect Cedillo from potentially harming himself or them, he attempted to conduct a pat-down search of his clothing. Cedillo prevented this from occurring, and immediately pulled away from Officer Richmond.

Body Worn Video depicted Officer Richmond reach down with his right hand and attempt to feel the outside of Cedillo's left front pants pocket. As that occurred, Cedillo turned his left leg and foot inward away from Officer Richmond, while stating, *"Don't put nothing, don't put nothing please... I don't have nothing."* When asked by Officer Richmond what he had in his pockets, Cedillo replied he had a phone and money.

Officer Richmond asked Cedillo to stand so they could move him over to their police vehicle. Cedillo agreed and allowed the officers to assist him to his feet. Officers Richmond and Hunt then held Cedillo by his left and right arms respectively and walked him to the front of their vehicle. Officer Richmond told Cedillo to spread his feet and

stated he was going to pat him down to ensure he did not possess any weapons. Cedillo complied but moved his body and head from side to side in what Officer Richmond interpreted as an attempt to pull away. Officer Hunt described the same action as “jerking” and a “side to side” movement. The officers continued to verbalize with Cedillo by telling him to relax and asking him what was wrong.

Officer Richmond explained to Cedillo that he wanted to remove his wallet from his pocket; however, Cedillo denied being in possession of one. When questioned as to what he did have in his pocket, Cedillo appeared to give an unintelligible response. According to Officer Richmond, Cedillo continued to “move around” and his behavior became more erratic. Body Worn Video depicted Officer Richmond having to tell Cedillo a second time to spread his feet.

In an effort to gain better control of Cedillo, the officers moved him a few feet closer to the hood of their vehicle. As Officer Richmond attempted to resume a pat-down search, Cedillo appeared to tense his upper body and try to pull his right arm from Officer Hunt’s grasp. Officer Hunt believed Cedillo was attempting to lean his bodyweight backward against him. In response to this action, Officer Hunt broadcast a request for an additional unit at approximately 0414:41 hours.

According to Officer Richmond, because Cedillo was becoming more erratic, he used his right hand to apply a wrist lock to Cedillo’s left wrist, while maintaining a grip on Cedillo’s left bicep with his (Richmond’s) other hand. As that occurred, Officer Hunt used his left hand to grip the back of Cedillo’s right arm above the elbow. Body worn video recorded the officers tell Cedillo to relax as he moved his body from side to side. The officers applied forward pressure to Cedillo’s body and pressed him against the hood of their police vehicle. Cedillo repeatedly stated, “I don’t have nothing” as he appeared to continue to breathe rapidly.

OIG Note No. 1: Officers Richmond and Hunt’s BWV footage shows that Cedillo was not wearing shoes when he was relocated over to the officers’ police vehicle.

According to Officers Richmond and Hunt, Cedillo kicked his feet backward in an attempt to strike them in the legs. He then shifted his weight to the left and tried to break free from their grasp. Officer Richmond utilized Cedillo’s momentum to spin him to the left [in a counter clockwise direction] by his left arm and took him to the ground. Officer Richmond was mindful that Cedillo was handcuffed and unable to brace his fall. To avoid Cedillo striking his head on the curb, Officer Richmond spun him away from the curb edge to ensure he landed on a flat surface.

Note: The officers’ BWV cameras dislodged from their uniforms as they went to the ground with Cedillo. Although their cameras remained activated and recorded sound, no additional footage of this incident was captured by their cameras.



[Image captured by Officer Richmond's BWV]

Based on a review of the security video from the 76 Gas Station, Cedillo appeared to land on his right side in a semi-prone position on the apron of the gas station driveway and struck the front of his head on the flat portion of the concrete gutter.⁷ Officer Hunt ended up in a kneeling position near Cedillo's legs and used his hands to apply bodyweight to Cedillo's lower back. Officer Richmond knelt near Cedillo's left side and applied his bodyweight against Cedillo's left upper torso area. Within approximately three to five seconds of taking Cedillo to the ground, Officer Richmond utilized his police radio and broadcast a request for a backup.⁸

According to Officer Richmond, Cedillo actively resisted by writhing his body and kicking his legs. Officer Richmond maintained a wrist lock on Cedillo and used his bodyweight to press his chest against Cedillo's back to control his upper body. Simultaneously, Officer Hunt wrapped both of his arms around Cedillo's legs and pulled them toward his chest.

Note: The officers indicated they assumed the above positions immediately upon taking Cedillo to the ground. The footage from the 76 Gas Station however, appeared to show that these actions occurred approximately 26 seconds after Cedillo landed on the pavement.

⁷ Cedillo sustained an abrasion to his forehead above his right eye. It appeared this injury occurred upon his initial contact with the pavement.

⁸ Officer Richmond's broadcast was initiated at approximately 0415:48 hours.



[Image captured from the 76 Gas Station security video]⁹

According to Officer Hunt, they struggled to control Cedillo's legs and body and repeatedly instructed him to relax and stop resisting. They maintained their positions as Cedillo lifted them upward by thrusting his body. Officer Richmond stated, *"My partner and I are both larger individuals. And he was moving both of us to the point where my partner had to roll up both of his legs and then I had to sprawl, so he wouldn't roll over. He was trying to roll out of our grasp the whole time."*¹⁰ Officer Richmond added that he spread his legs outward and placed his toes on the ground to stabilize himself. Depending on Cedillo's level of resistance, Officer Richmond adjusted the amount of weight he placed on Cedillo's back by alternating between supporting his weight on his toes and placing his knees on the ground.

Van Nuys Patrol Division uniformed Police Officers II Tadeh Menasakanian, Serial No. 42856, and Brian Cuba, Serial No. 42835, assigned Unit 9A37, responded Code Three to the backup request and broadcast they were Code Six upon their arrival at approximately 0418:00 hours.¹¹ As they exited their vehicle and approached on foot, they were directed by Officers Hunt and Richmond to utilize a hobble. Officer Menasakanian immediately removed his HRD from his left rear pants pocket and applied it around Cedillo's ankles. In an effort to better control Cedillo, Officer Hunt

⁹ The view of the officers and Cedillo from the vantage point of this security video was eventually blocked at 0416:40 (video time stamp 0416:16) by a passenger vehicle that drove through the lot and stopped next to a gas pump. The next video images of this incident were captured by the first backup unit (9A37), who arrived approximately one minute and 40 seconds later.

¹⁰ Richmond, Page 12, Lines 1-6.

¹¹ Officer Menasakanian had two years, four months with the Department, was 25 years of age, 5 feet 9 inches tall, and weighed approximately 185 pounds. Officer Cuba had two years, four months with the Department, was 25 years of age, 5 feet 11 inches tall, and weighed approximately 175 pounds. Both officers were dressed in full uniform and were wearing a ballistic vest. They were each equipped with a Department-approved handgun, handcuffs, a canister of OC spray, and HRDs. At the time of this incident, the officers' side-handle batons were in their police vehicle (Shop No. 81936). Officer Cuba was the passenger and Officer Menasakanian was driving.

adjusted his position by placing his left knee across the back of Cedillo's left thigh and his (Hunt's) right knee across the back of Cedillo's left calf, while using his hands to apply body weight to Cedillo's right leg.

OIG Note No. 2: At 0418:46 hours on Officer Menasakanian's BWV, he (Officer Menasakanian) is captured completing the hobble application and saying, "His legs are hobbled."

Upon exiting his vehicle, Officer Cuba deployed a beanbag shotgun and loaded one round in the chamber. He deployed this weapon system due to the nature of the backup request and to provide a less lethal option in the event the situation escalated. Officer Cuba provided cover and instructed Cedillo to calm down. Moments later, he slung the shotgun over his right shoulder as additional units arrived at scene. As Cedillo continued to yell, Officer Menasakanian advised him that if he continued to resist, he could be tased and that it could cause injury.¹² Officer Cuba gave a similar warning involving the use of the bean bag shotgun.

According to Officer Richmond, despite being handcuffed, Cedillo continued to reach with his right hand toward his rear waistband, as well as the area of his front right pocket. That action lead Officer Richmond to believe Cedillo was possibly armed. Officer Richmond felt that if he had released his body weight from Cedillo's back, the situation might have escalated to the need for a higher level of force. Body Worn Video recorded Officer Richmond tell responding officers as they approached that Cedillo had something in his pockets that he (Cedillo) did not want removed. Officer Richmond can also be heard announcing, "He is reaching!"

Officer Richmond stated that even after the hobble was applied around Cedillo's legs, he continued to resist by kicking his legs. Cedillo was able to move his body and lift both he and Officer Hunt off the ground despite their size advantage over him. Because of those reasons, Officer Richmond indicated they were unable to roll or move him to a different position.

Note: According to Officers Menasakanian and Cuba, when they arrived at scene, they did not observe Cedillo actively resisting and believed Officers Richmond and Hunt were controlling Cedillo. Officer Menasakanian did not recall if Cedillo was positioned on his stomach or side when he first approached. He was unable to observe Cedillo, because his view was obstructed by Officers Richmond and Hunt. Officer Menasakanian assumed Cedillo was resisting the officers due to their application of body weight and Officer Richmond's statement that Cedillo was preventing access to his pockets.

Van Nuys Patrol Division uniformed Police Officer III Scott Nunez, Serial No. 35381, and Police Officer I Walter Sampson, Serial No. 43662, assigned Unit 9A19, arrived at scene as Officer Menasakanian applied the HRD. Officer Nunez parked their police vehicle (Shop No. 81919) along the north curb of Sherman Way, facing east. The DICVS from their vehicle captured a view of the incident as it continued to unfold.

¹² Despite the warning given by Officer Menasakanian, he did not deploy a TASER during this incident.

Officer Sampson approached and was advised by Officer Richmond that Cedillo was actively preventing access to his pockets and that he needed to be searched. Officer Sampson knelt beside Cedillo and began to search his pockets and waistband area. Officer Richmond stated that as soon as that occurred, Cedillo attempted to reach for his right front pants pocket. Officer Richmond stated out loud that Cedillo was attempting to reach toward his pocket as he pulled Cedillo's hands away with his (Richmond's) right hand.

At approximately 0418:31 hours, Van Nuys Patrol Division uniformed Sergeant I Jeff Briscoe, Serial No. 39133, assigned Unit 9L60, arrived at scene and began monitoring the situation as Officer Sampson searched Cedillo. According to Sergeant Briscoe, he observed Cedillo grunting, yelling and thrashing his body. He also noted that Officers Richmond and Hunt were applying their body weight to Cedillo's legs and upper body, and that Officer Menasakanian was controlling the tethered end of the HRD around Cedillo's ankles. Regarding his observations, Sergeant Briscoe stated, *"Upon my arrival, the suspect was still resisting the officers' actions with violent force and thrashing. He was unsuccessful of breaking free of the officers' actions because of their maintenance of a body weight control of the suspect."*¹³

Although not verbally declared, Sergeant Briscoe assumed the role of Incident Commander and assessed the situation, ensuring that only the minimum number of officers were applying force. Officers Richmond and Hunt explained to Sergeant Briscoe the nature of their stop and Cedillo's erratic behavior. Based on that description, Sergeant Briscoe formed the opinion that Cedillo was possibly under the influence of a stimulant or Phencyclidine (PCP).

At approximately 0420:22 hours, Officer Sampson completed his search and stood up.¹⁴ Cedillo appeared to have stopped resisting and was unresponsive to Officer Richmond's attempts to gain his attention. Officers Richmond and Hunt removed their body weight from Cedillo and rolled him on to his right side. Officer Richmond repositioned himself behind Cedillo and placed his hands on Cedillo's left shoulder to steady him and prevent him from rolling over. Similarly, Officer Hunt stood up and knelt over Cedillo, while holding his legs to balance him (Investigators' Note No. 3).

Officers Richmond and Hunt were questioned as to why they chose to roll Cedillo onto his right side rather than to his left or to a seated position. Officer Hunt stated because Cedillo was already lying partially in the gutter, rolling him onto his left side would have caused his head to hang further off the curb. Officer Hunt believed that pushing Cedillo onto his right side allowed them to have better control over him. Similarly, Officer Richmond stated that had he rolled Cedillo onto his left side, he believed Cedillo's head would have been hanging off the driveway apron. Officer Richmond felt that given the

¹³ Briscoe, Page 20 Lines 11-15.

¹⁴ Based on a review of Officer Sampson's BWV, it appeared the items removed from Cedillo's person included money in the form of paper currency and coins, a cell phone with an external antenna, a four to five-inch unknown cylindrical metal object, and a black paper-like material.

slant in the driveway, it was “*more natural to roll him to his right.*”¹⁵ Both officers believed attempting to place Cedillo into a seated position was not a viable option, because it would have allowed him the ability to kick his legs.

Note: Based on the available video footage of this incident, it was determined that Officers Richmond and Hunt applied body weight to Cedillo for approximately four minutes and 13 seconds while he was in a prone position. Approximately one minute and 37 seconds of that time occurred after the HRD was applied and while Cedillo was being searched. Sergeant Briscoe was on scene for approximately one minute and 25 seconds before Cedillo was rolled to his right side.

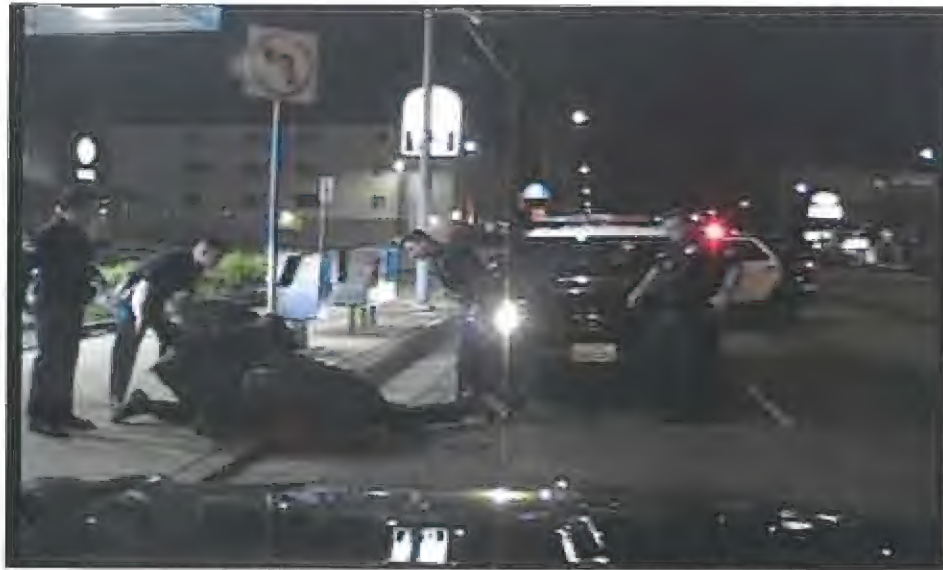
Based on the officers’ statements regarding Cedillo’s unpredictability and violent behavior, Sergeant Briscoe believed it was “*tactically appropriate*” to leave Cedillo in a right lateral position, rather than risk him becoming agitated or violent again if moved to a left lateral recumbent position.

Upon rolling Cedillo onto his side, Officer Richmond indicated he verified Cedillo was breathing and observed a small laceration to his forehead. Sergeant Briscoe noted the same injury and directed that a RA be requested. Officer Nunez immediately utilized his police radio and broadcast a request for a RA at approximately 0420:40 hours. The request was acknowledged by CD and relayed to the LAFD.



[Image captured from Officer Menasakanian's BWV]

¹⁵ Officer Richmond's second statement, Page 5 Lines 7-8.



[Image captured from the DICVS of Unit 9A19]

According to Sergeant Briscoe, he ensured that the proper resources were being utilized, including the HRD and the presence of a less lethal force option (beanbag shotgun). He also verified that Cedillo was being held on his side and monitored. Sergeant Briscoe believed there was an adequate number of officers at scene and instructed excess personnel to return to patrol duties. Prior to the arrival of the RA, Sergeant Briscoe ensured that Officers Richmond and Hunt were not injured and directed that they remain the primary contact officers controlling Cedillo. His intent was to mitigate the need for additional officers to become involved and to have a plan in place to smoothly transition Cedillo to a gurney upon the arrival of the RA.

Van Nuys Patrol Division Sergeant I Thomas Andreas, Serial No. 36074, assigned Unit 9L50, responded to the scene due to the initial backup request and arrived at approximately 0420:30 hours. Upon meeting with Sergeant Briscoe, Sergeant Andreas learned that a use of force had occurred and began assisting him with the investigation by canvassing for witnesses and video of the incident.

At approximately 0431:30 hours LAFD Basic Life Support (BLS) RA 881 staffed by Firefighters (FF) Bryan Tell and Jake Hall arrived at scene.¹⁶ According to FFs Tell and Hall, Cedillo appeared conscious upon their arrival. Firefighter Tell recalled that as he began asking Cedillo questions, he did not initially respond. Cedillo then became agitated and appeared to begin fighting with officers to free himself from being restrained.

Note: Firefighter Tell believed Cedillo was in a prone position when he arrived and was turned by the officers to his left side when FF Tell requested them to do so. The video footage of this incident however, depicted Cedillo lying on his right side when the RA arrived and does not

¹⁶ BLS – Basic Life Support is a level of care administered by Emergency Medical Technicians (EMT). All sworn LAFD members are EMTs. This is also a designation for an RA staffed only by FF/EMTs. ALS – Advance Life Support is a level of care administered by Paramedics (PM) and a designation for an RA staffed by FF / PMs.

support FF Tell's assertion that Cedillo was ever turned to a left lateral position.

At approximately 0432:57 hours, FFs Tell and Hall tried to interact with Cedillo. As FF Tell bent down next to Cedillo, he tried to communicate with him and placed his (Tell's) hand on Cedillo's left shoulder/upper chest area. Cedillo reacted by screaming, kicking his legs and arching his body. Officer Richmond immediately rolled Cedillo to his stomach and applied a two-hand firm grip to his left arm. He then used his bodyweight by placing his right knee across Cedillo's right shoulder blade and his left knee across Cedillo's lower back. Simultaneously, Officer Hunt held Cedillo's right leg with his hands and placed his left knee on Cedillo's left buttock and his right knee across the back of Cedillo's left calf area.¹⁷ Both officers indicated they placed Cedillo back into a prone position, because they believed they would have been unable to control him had they tried to maintain him on his right side.

Despite the officers' efforts to restrain Cedillo, he was still able to move his legs and torso. Officers Richmond and Hunt both indicated Cedillo was able to lift them slightly off the ground as he struggled. Firefighter Hall noted that the officers had a difficult time restraining Cedillo and concluded he was probably under the influence of narcotics. Due to Cedillo's increased level of agitation, FF Hall requested an ALS RA [staffed by paramedics] in order to administer medication to calm him. He also believed it was best to let the officers continue restraining Cedillo until that medication could be administered.

Officer Richmond repeatedly told Cedillo to relax and stop resisting. Officer Cuba tried to communicate with Cedillo in Spanish and told him to calm down and that they were trying to help him. According to Officer Cuba, most of what was being yelled by Cedillo was unintelligible.

Note: Cedillo can be heard on BWV yelling in English and Spanish, "Police" and "Mother Fucker".

Officer Richmond maintained his body weight on Cedillo, because he was actively resisting and feared the situation would escalate if they released him. In articulating his rationale, Officer Richmond stated, *"He [Cedillo] was actively kicking, resisting, and again moving both of us in a lifting and rolling position. Our goal was, as soon as he stopped resisting, to put him on the gurney or in a recovery position..." It would have turned into a much worse use of force.... The best way to deescalate this, in our mind, was to continue the body weight on him to keep it from escalating to a point where we needed to use strikes, kicks, Taser, beanbag, something other than strictly body weight."*¹⁸

Similarly, Officer Hunt believed if he and his partner had removed their weight from Cedillo, they would have lost control of him and that Cedillo would have attempted to escape.

¹⁷ Gleaned from BWV and DICV.

¹⁸ Richmond, Page 46, Lines 2-6, and 10-15.

Officer Hunt stated Cedillo continued to struggle and attempt to push him and his partner away throughout each application of body weight.

Sergeant Briscoe described Cedillo's behavior as violently resisting. It was his opinion that the bodyweight applied by Officers Richmond and Hunt was reasonable to protect themselves from being kicked, limit injury to Cedillo, and to prevent additional applications of force. He opined that the best way for Cedillo to receive medical attention was for the officers to continue to control Cedillo's actions by maintaining their body weight on him until they could place him on to a gurney.

OIG Note No. 3: *According to Sergeant Briscoe, "I would like to refer to the directive of the use of force tactics regarding hobble restraints. Specifically that directive indicates that if a suspect is continually violent towards officer, that officers are able -- should use the physical force hold that is approved. And that use of force directive indicates the approved use of force, which would be applying direct weight to the suspect's back for as long as reasonable to control and secure the individual."*¹⁹

Note: According to Sergeant Andreas, he did not observe what precipitated the second application of body weight. He could hear Cedillo yelling and saw Officers Richmond and Hunt controlling his movement by applying body weight and holding Cedillo's legs. Sergeant Andreas did not feel a need to intercede, because Sergeant Briscoe appeared to be closely monitoring and in control of the situation.

¹⁹ Briscoe, Page 31 Line 22-Page 32 Line 6.

Use of Force Tactics Directive No. 2.2 Hobble Restraint Device states, in relevant part: *"If body weight is used to gain control of an individual, officers should only apply direct weight to the suspect's back for as long as reasonable to control and secure the individual. Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute. This minimizes the time the suspect spends on his/her stomach after being restrained. If the individual continues to act violently or aggressively toward the officers, one officer should use physical force to hold the person in the approved positions, described above, while the partner maintains control of the HRD's strap."*

Additionally, Department policy regarding the use of the HRD states in relevant part, *"Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his or her right side is an acceptable substitute."* (Los Angeles Police Department Manual, Volume 4, Section 217.40).

A copy of the Department's Tactics Directive regarding the use of the Hobble Restraint Device is attached to this report.

As FFs Tell and Hall removed a gurney from the rear of the RA, Cedillo appeared to stop resisting. To coordinate Cedillo's transition of care to LAFD personnel, Sergeant Briscoe suggested the FFs position the gurney parallel to Cedillo so that he could be rolled onto it. He then instructed Officer Richmond to adjust his position to the opposite side of Cedillo to more easily lift him on to the gurney.²⁰

At approximately 0435:56 hours, Officers Richmond and Hunt removed their bodyweight from Cedillo and assisted the FFs in lifting him on the gurney to a supine position.²¹

OIG Note No. 4: *At 0436:35 hours, Sergeant Andreas's BWV captured him asking Sergeant Briscoe, "Is he breathing? Is he breathing? Are we sure?"*

Note: Officer Richmond's second application of body weight to Cedillo's upper body lasted approximately two minutes and 46 seconds. Cedillo's voice can be heard on BWV up to the time that Sergeant Briscoe instructed the FF's to reposition their gurney.

Based on a review of BWV, Cedillo had stopped communicating at this point; his eyes were closed, and he appeared unconscious. Sergeant Briscoe asked Officer Richmond if Cedillo was breathing. Officer Richmond replied that he could hear Cedillo breathing and see and feel his chest moving. Firefighter Hall indicated he made similar observations. The FFs then adjusted the gurney and placed Cedillo in an upright seated position, while Officers Richmond and Hunt adjusted his handcuffs. The officers momentarily unhandcuffed Cedillo hands from behind his back and secured them to the railings of the gurney.

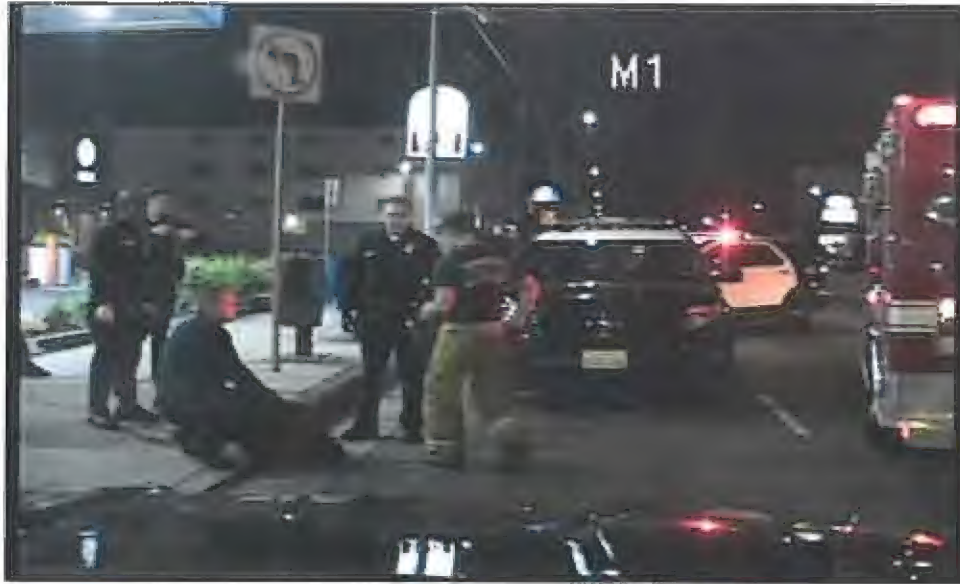
OIG Note No. 5: *According to Firefighter Tell, "...it appeared that his [Cedillo's] respiratory rate had decreased, and it appeared that he took a couple agonal respirations. And that was the first sign that I noticed that he was possibly unconscious and/or not breathing at all. [...] It appeared that he had stopped breathing when we had sat him up [on the gurney]."*²²

According to FF Tell, once Cedillo was in a seated position, he observed that his respiratory rate had decreased and that he appeared to be unconscious. After loading the gurney into the RA, FFs Tell and Hall were unable to detect Cedillo's heart rate and determined he was not breathing. At approximately 0440 hours, they immediately began administering cardiopulmonary resuscitation (CPR).

²⁰ The FFs lowered the gurney to the ground prior to moving Cedillo.

²¹ Officer Hunt tied the tethered end of the HRD to the gurney to prevent Cedillo from further kicking his legs.

²² Firefighter Tell, Page 10, Lines 11-19.



[Image captured from the DICVS of Unit 9A19]

Upon observing the firefighters performing CPR, Sergeant Briscoe believed the incident might become a Categorical Use of Force and ensured that a crime scene was established and that the involved and witnessing officers were separated and monitored.

At approximately 0442 hours, LAFD, ALS RA 81, staffed by FF/PMs Roman Zavala and Javier Rivera and FF Andrew Tom, arrived at scene. Cedillo was immediately transferred into their RA as CPR efforts continued. Officer Cuba removed the handcuffs and HRD from Cedillo's wrists and ankles as requested by LAFD personnel and rode in the RA as Cedillo was transported to Valley Presbyterian Hospital (Investigators' Note No. 4).

Cedillo was examined by Doctor Muneeb Hussain and was admitted shortly after his arrival. In anticipation that this incident might later be deemed a Categorical Use of Force, the Van Nuys Patrol Division Watch 3 Watch Commander, Sergeant I Deborah Lewis, Serial No. 35076, notified FID investigators, who in turn responded to Valley Presbyterian hospital.

At approximately 0535 hours, FID Detective III Luis Alarcon, Serial No. 30383, arrived and spoke with Doctor Hussain and was advised that Cedillo was admitted due to cardiac arrest caused by methamphetamine intoxication. Doctor Hussain also added that the officers' interaction with Cedillo at scene was not a factor in his decision to hospitalize him. Cedillo was in critical condition at the time and it was unknown if he was going to survive.

OIG Note No. 6: Doctor Hussain's medical notes regarding Cedillo state, "Patient is a 45-year-old male who was admitted to the hospital after cardiac arrest event. Patient apparently was being arrested when he

collapsed, CPR was done with revival of vital signs.”²³ There is no indication in the medical records as to whether Dr. Hussain was aware of the manner in which Cedillo had been physically restrained during his arrest; nor is there any underlying documentation memorializing the opinion expressed by Dr. Hussain regarding the cause of Cedillo’s cardiac arrest or the role of the officers’ interaction with Cedillo in the decision to admit him to the hospital.

Medical records indicating the time and date of the screening results regarding the presence of cannabinoids and amphetamines in Cedillo’s system show 0600 hours on 4/9/19.

Additional investigators from FID responded to the scene of the use of force around 0700 hours that morning; however, it was later determined the incident did not meet the criteria of a Law Enforcement Related Injury or In-Custody Death. Based on that assessment, Van Nuys supervision was advised to proceed with a Level I Non-Categorical Use of Force investigation.

On April 13, 2019, FID personnel were notified that Cedillo had not responded to treatment and was pronounced dead at 1315 hours by Doctor Llorens Pembroke. Force Investigation Division assumed investigative responsibility for this incident at that time.

Force Investigation Division Detective II Christopher Linscomb, Serial No. 32289, reviewed all documents and circumstances, including BWV footage, surrounding the separation, monitoring and admonition to officers not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 1).

Because this incident was initially investigated as a Non-Categorical Use of Force, Officers Richmond and Hunt were permitted to review BWV footage and discuss their actions with each other prior to the time FID assumed investigative responsibility.

Note: Their use of force report was initially completed on a LAPD Employee’s Report (Form No. 15.07.00). Although the report was drafted, it was not finalized or submitted for approval prior to FID assuming investigative responsibility. The draft of the use of force report was referenced during their interviews and was included with their transcribed statements.

Scene Description

The 76 Gas Station was located at 7200 Woodman Avenue, situated at the northeast corner of Woodman Avenue and Sherman Way. The use of force occurred near the north curb of Sherman Way, approximately 57 feet east of the east curb-line of Woodman Avenue. Cedillo was contacted at the western most driveway. Officer Hunt parked their police vehicle along the north curb, at the eastern edge of that driveway,

²³ Page 1440 of 1959 of Cedillo’s medical records.

facing west on Sherman Way. The gas station property was also accessible from Woodman Avenue by two driveways.

The incident occurred during the hours of darkness. The scene was initially illuminated by the headlamps of Officers Richmond and Hunt's police vehicle, which remained activated throughout the use of force. The area was also well illuminated by overhead lighting from the 76 Gas Station and streetlamps located immediately east and west of the scene.

Canvass for Witnesses

On April 8, 2019, Van Nuys Division and FID personnel canvassed the area of the 76 Gas Station for witnesses to the use of force; however, none were located. Unless otherwise noted, all FID interviews were recorded and the transcribed statements were included in this report.

Philip Martinez was employed as a cashier at the 76 Gas Station on the morning of the incident. Although he did not witness the use of force, he observed Cedillo earlier in the evening when he entered the convenience store to buy coffee. Martinez recalled that Cedillo was barefoot and returned to complain that the coffee was too cold and that he wanted his money back. After refunding Cedillo's money, Martinez observed him walk back to the northeast corner of Woodman Avenue and Sherman Way, where he began yelling at people. Martinez described Cedillo as agitated and possibly intoxicated. He also observed him swaying and mumbling in Spanish and English.

Suspect Information



Jacobo Juarez Cedillo was a male Hispanic with black hair and brown eyes. At the time of the incident, he was approximately five feet five inches tall, and weighted approximately 146 pounds. His date of birth was August 18, 1968. Cedillo was identified by Criminal Information Index No. A26555920 and California Department of Motor Vehicles Identification No. B3830399.

He had a criminal history that included convictions for 417 (A)(1) PC (Exhibiting a Dangerous Weapon), and 23152 (B) VC (Driving Under the Influence of Alcohol). He was not documented as a gang member nor was he the subject of a Mental Evaluation Unit contact (Addendum No. 2).

Injuries

Cedillo went into cardiac arrest at the scene and was transported by RA to Valley Presbyterian Hospital. Los Angeles Fire Department personnel performed CPR throughout his transport; however, he did not regain consciousness. Cedillo also sustained a minor abrasion to his right forehead (Investigators' Note No. 5).

Cedillo was initially treated by Doctor Hussain, under Medical Reference No. M001283358. While at the hospital, a drug screen of his urine indicated a positive

result for the presence of methamphetamine and marijuana (Investigators' Note No. 6) (Addendum No. 3).

OIG Note No. 7: The drug screen of Cedillo's urine did not establish the levels at which methamphetamine or marijuana were present in his system.

Cedillo did not respond to medical treatment and was pronounced dead on April 13, 2019, at 1315 hours by Doctor Pembrook (Addendum No. 4).

Evidence

There were four items of evidence booked in conjunction with this investigation, including a Coroner's Kit and a computer disk containing Cedillo's medical records. None of the items were collected from the scene (Addendum No. 5).

Coroner's Investigation

On April 13, 2019, once notified of Cedillo's death, Detective Linscomb contacted Valley Presbyterian Hospital and was informed that organ donation/harvesting protocols had been initiated per the instructions of Cedillo's next of kin. He was also told that hospital personnel had already contacted the Los Angeles County Coroner's office to advise them of Cedillo's death, which was subsequently assigned Coroner Case No. 2019-02897.

On April 19, 2019, Forensic Science Attendant Dustin Miranda transported Cedillo's remains to the Los Angeles County Morgue in preparation for his post-mortem examination. On April 22, 2019, at approximately 0930 hours, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Martina Kennedy performed a post-mortem examination of Cedillo's remains. Detectives Linscomb and Zesati were in attendance.

On January 7, 2020, Detective Linscomb received a copy of the autopsy report. Doctor Kennedy ascribed the cause of death to anoxic encephalopathy due to cardiopulmonary arrest due to effects of methamphetamine.²⁴ She identified healing traumatic injuries to Cedillo's face, knees, posterior torso, wrists and legs, however her examination revealed no fatal traumatic injuries.

In her opinion, Doctor Kennedy did acknowledge a "temporal relationship" between the cardiopulmonary arrest and the prone physical restraint and indicated, "A component of asphyxia due to possible compression of the body may be contributory to the

²⁴ Anoxic encephalopathy: a condition where brain tissue is deprived of oxygen and there is global loss of brain function.

Post mortem toxicology studies were not performed by the Coroner's Office due to Cedillo's hospitalization of more than 24 hours and the absence of preserved specimens from the hospital. Doctor Kennedy referenced the urine toxicology screen performed during Cedillo's hospitalization that was positive for methamphetamine and marijuana.

cardiopulmonary arrest, however there are no findings at autopsy that establish asphyxia. Determination of the amount of force used and the physical effects of the restraint cannot be established at autopsy.” Doctor Kennedy listed the manner of death as undetermined (Addendum No. 6).²⁵

Visual Documentation

Digital In-Car Video System

Digital In-Car Video System footage of six units that responded to the scene was reviewed. The DICVS footage of Van Nuys Patrol Unit 9A19 (Shop No. 81919), Officers Nunez and Sampson, captured a significant portion of the incident. The remaining DICVS footage from the responding units was post incident, or depicted general crime scene activity and had no investigative value.

Body Worn Video

Sergeants Briscoe and Andreas, Officers Richmond, Hunt, Cuba, Menasakanian, Nunez, and Sampson, activated their BWV cameras during their response to this incident. Each camera captured various portions of the use of force and the events that followed. As previously noted, Officers Richmond and Hunt’s cameras dislodged from their uniforms at the onset of the use of force. Although their cameras obtained no further video footage, sound continued to record.

Force Investigation Division investigators reviewed BWV footage from an additional seven officers who activated their cameras during their response to this incident. Unless otherwise noted, FID investigators found the additional footage to have little investigative value and did not identify any investigative issues or concerns (Investigators’ Note No. 7).

Social Media

Personnel assigned to FID’s Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation report. No additional evidence, information or witnesses were identified.

Outside Video

Video footage of this incident was captured by a 76 Gas Station security camera. The camera was mounted to the front exterior of the cashier’s booth and faced in a southwest direction, toward the intersection of Woodman Avenue and Sherman Way. Video footage spanning the time between 2326 hours on April 7, 2019, and 0646 hours on April 8, 2019, was provided by the 76 Gas Station management. The video depicted Cedillo’s activity and behavior prior to the arrival of the involved officers, their contact with Cedillo, the ensuing use of force and establishment of a crime scene. Portions of the incident were periodically blocked by various vehicles that entered and exited the 76 Gas Station fueling area. The video was stored under Technical Investigation Division (TID) Control No. 626494.

This video was first identified by Sergeant Andreas during the canvass he conducted immediately following the incident. Additional efforts to locate video were also

²⁵ Autopsy Report, Page 12.

conducted by investigators from FID on the date the incident occurred. No other video of this incident was identified.

Photographs

On April 8, 2017, TID Photographer III Harry Sarkisian, Serial No. N3442, responded and photographed the scene under TID Control No. D0769097. At the time the photographs were taken, the police vehicles belonging to Officers Nunez and Sampson and Cuba and Menasakanian had been removed from the scene. The vehicle belonging to Officers Richmond and Hunt remained in its initial position and was photographed at scene.

Witness Philip Martinez took a photograph from his position inside of the gas station cashier's booth immediately following the initial use of force. A copy of the photograph was obtained from Martinez and subsequently stored under TID Control No. D313154.

Notifications

On April 8, 2019, at approximately 0500 hours, FID was notified of the incident, responded to the scene and assessed the nature of the use of force. The initial notification to the Department Operations Center (DOC) and FID was documented by Sergeant Lewis in her Watch Commander's Daily Report (Addendum No. 7).

Personnel at Scene

Force Investigation Division Detective Alarcon arrived at Valley Presbyterian Hospital at approximately 0535 hours. Force Investigation Division Detective III Timothy Grabe, Serial No. 32649, and Detective Sally were the first FID personnel to arrive at the scene at approximately 0700 hours. Incident recall printouts and a crime scene log documenting the personnel that responded to the incident are contained within the FID case file and are available for review.

Communications

Copies of the CD printouts relative to this incident (Incident No. 190408000535) are on file at FID. Digital recordings of Van Nuys Division frequency spanning the time of this incident are also on file at FID.

The digitally-recorded interviews of the involved and percipient officers and civilian witnesses were stored in the Training Evaluation and Management System (TEAMS II) database.

Justice System Integrity Division

In accordance with established protocol, FID will be submitting an independent investigative report to the Justice System Integrity Division of the Los Angeles County District Attorney's Office for review.

Investigators' Notes

1. Officers Richmond and Hunt activated their Body Worn Video (BWV) cameras prior to conducting their investigation of Cedillo. They did not however, activate their Digital In-Car Video System (DICVS) during the incident. In explaining this issue, Officer Richmond indicated they did not turn on their vehicle's emergency lighting [which would have activated their DICVS] prior to making contact with Cedillo, nor did they subsequently activate their DICVS, due to their focus on Cedillo's erratic behavior. Force Investigation Division Commanding Officer Captain III Al Pasos, Serial No. 25501, notified the concerned Office Director regarding this issue.
2. The driver of the Toyota pick-up truck was subsequently determined to be one of the registered owners, Jaime Nava Castro. In an effort to locate this individual and determine if he was a potential witness in this investigation, Force Investigation Division (FID) Detectives II Ubaldo Zesati, Serial No. 30078, and Jerry Sally, Serial No. 36130, made attempts to contact Castro, but were unsuccessful.
3. According to Officer Sampson, while searching Cedillo, he removed a brown napkin from his pocket that contained a plant-like material he believed was marijuana. Officer Cuba thought the item was inside a black plastic baggy and was possibly methamphetamine. Officer Cuba added however, that he was unsure what the item was because he was standing six to eight feet away on the opposite side of Officer Sampson.

The items recovered by Officer Sampson were placed into a clear plastic property bag and were initially maintained at scene by Officer Nunez. Cedillo was subsequently transported by RA to Valley Presbyterian Hospital for a medical emergency. His property was later taken to his location by Van Nuys Patrol Unit 9A19 (Watch 2), Police Officer III David Brandstetter, Serial No. 32242, and Police Officer II Lauren Irwin, Serial No. 41256.

Juan Carlos Juarez Cedillo stated he subsequently retrieved his brother's property from hospital staff, which contained clothing items and \$120 in cash. He said he kept the cash but threw the remaining items in the trash because they smelled. He added that he did not recall seeing drugs; including "crystal" [methamphetamine] or marijuana in his property.

4. Los Angeles Fire Department Engine 81 responded to the scene with RA 81. Engine 81 was staffed by LAFD Captain Bryan Miclette, and FFs Matthew Hill, Denver Leamy, and Andrew Guzzard. Those LAFD members provided basic support to paramedics at scene after Cedillo was transferred to RA 81. Cedillo remained unresponsive and did not make any statements during his transport to Valley Presbyterian Hospital. The members of Engine No. 81 were not interviewed for this investigation.
5. Juan Carlos Cedillo stated he believed the officers used excessive force during their encounter with Jacobo Cedillo. He based this conclusion on his observations of the abrasion to his brother's forehead and knees while at the hospital. Juan Carlos confirmed he did not witness the incident, nor did he speak with anyone who had.

Nevertheless, a complaint investigation was subsequently initiated (CF No. 19-003287).

6. On April 24, 2019, FID Sergeant II Jess Falk, Serial No. 38231, obtained a search warrant for medical records while at Valley Presbyterian Hospital. A 1959-page medical record was subsequently received, which documented the treatment provided to Cedillo spanning the time from his arrival on April 8, 2019, through the date his remains were released to the Los Angeles County Department of Medical Examiner-Coroner on April 18, 2019. The complete record is on file with FID. For purposes of this report, four pages of this record were included as an addenda item; page 1 of 4 of a Consultation Report, dated April 8, 2019 (page 1435 of 1959 of the total record), and pages 1-3 of 24 of a Progress Note, dated April 9, 2019, (pages 781-783 of the total record). The complete medical record was received on one CD that was booked as evidence as Item No. 1 (DR No. 1909-09621).
7. Van Nuys Division uniformed Police Officer Kevin Stepan, Serial No. 36697, was assigned Unit 9A5 on the morning of the incident. His BWV camera was not activated during his response to the backup request. According to Officer Stepan, he switched his BWV camera to the "off" position while using the restroom at Van Nuys Station. He responded to the incident immediately after. Officer Stepan stated he did not realize he had not returned his camera to the "on" position prior to leaving the station. He recalled tapping the camera's record button prior to his Code Three response and believed it was recording. Force Investigation Division Captain Pasos notified the concerned Office Director regarding this issue.
8. During the interview of Juan Carlos, he described a series of text messages he received from his brother the day prior to the use of force. He advised he would send copies of those messages to FID investigators at a later time, but had not done so as of the last writing of this report. The text messages were read aloud by Juan Carlos during his interview and were included with his transcribed statement. The texts appeared to have no additional investigative value.

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CHIEF OF POLICE REPORT²⁶

Chief of Police Findings

- **Tactics** – Tactical Debrief, Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian, and Sampson.
- **Non-Lethal Use of Force** – In Policy, No Further Action, Officers Richmond and Hunt.

Chief of Police Analysis

Detention

- Officers Richmond and Hunt were driving their police vehicle and making a turn while responding to an unrelated radio call when they observed Cedillo sitting in the driveway of a gas station. Both officers observed Cedillo oscillating his body from lying to sitting. The officers were unsure if Cedillo was possibly attempting to harm himself or flag them down. As officers were assessing the situation, they observed a vehicle possibly collide with Cedillo as he sat in the driveway. Preservation of life remains one of the guiding principles of the Department and in all situations so officers stopped to check on Cedillo's welfare. As the officers exited their police vehicle they determined that Cedillo was not hit by the vehicle; however, he displayed symptoms of possible narcotic usage by his actions and movements. Without any commands from either Officer Richmond or Hunt, Cedillo placed his hands behind his back. Officers Richmond and Hunt were unsure if Cedillo was under the influence of narcotics or possibly a danger to himself. Cedillo was handcuffed and detained to allow the officers to further investigate the circumstances. During the incident, Cedillo began to physically resist the officers, attempting to pull away. Officers Richmond and Hunt used non-lethal physical force techniques to physically control Cedillo, initially resulting in a non-categorical use of force. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to Tactical Debriefs is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic

²⁶ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Richmond and Hunt had been regular partners for approximately ten months. The officers discussed tactics *daily throughout* their shift and while enroute to radio calls. The officers routinely assigned *contact and cover* roles at the start of their shift. On the day of the incident, the officers coordinated and pre-designated their roles as Officer Richmond was assigned as the cover officer, while Officer Hunt was the contact officer. Officers Richmond and Hunt encountered Cedillo as they were en route to another call and due their observations, opined that Cedillo was in need of some type of assistance that could not be disregarded. The officers had not planned for this specific encounter but were faced with a rapidly developing situation that they believed based on their training and experience needed immediate police attention. Officers Richmond and Hunt understood their obligation to stop, approach Cedillo and to ensure he was safe. Officers determined that Cedillo was not injured, but became aware that he was possibly under the influence of narcotics. As the officer's approached Cedillo, they coordinated a plan to detain him. During the incident, Sergeant Briscoe coordinated with the officers and with LAFD personnel to control Cedillo and to get him placed onto the gurney.

Assessment – Officer Richmond and Hunt were faced with an uncertain encounter with Cedillo. The officers initially observed Cedillo's behavior and determined that Cedillo was either in need some type of assistance or was attempting to harm himself. Before the officers could take any action to provide assistance to Cedillo, they witnessed a vehicle exit the gas station and believed that Cedillo may have been struck as he sat in the driveway. Officers Richmond and Hunt assessed the

need to provide immediate assistance and made contact with Cedillo. Once the officers contacted Cedillo, their assessment of his condition, based on their training and experience, was that Cedillo was possibly under the influence of narcotics. Cedillo was initially detained without incident.

As Officers Richmond and Hunt attempted to provide assistance to Cedillo, he continually resisted the officers. As a result of Cedillo's continued resistance and actions, bodyweight was utilized to control Cedillo. The officers used the lowest level of force that they determined to be necessary and continuously assessed their actions in an attempt to safely control Cedillo. As Cedillo attempted to spin and flee from the officers, he was taken to the ground. As both Officers Richmond and Hunt and Cedillo were falling to the ground, the officers turned Cedillo away from the edge of the curb to prevent Cedillo from striking his head on it. Throughout the entire contact with Cedillo, Officers Richmond and Hunt attempted to de-escalate with Cedillo. Officers Richmond and Hunt continually assessed Cedillo's actions and did not resort to a greater application of force, such as kicks or strikes.

Upon the application of the HRD, officers continued to monitor Cedillo as he continued to resist. Officers Richmond and Hunt continued to use a minimal level of force to control Cedillo. Every

time Cedillo ceased his physical resistance to the officers, Officer Richmond and Hunt placed Cedillo in a lateral recumbent position and monitored his breathing while lying on the ground. When Cedillo was placed on the gurney officers monitored and confirmed that Cedillo was breathing.

Personnel from the LAFD assessed Cedillo's condition after their arrival. They provided timely medical treatment once Cedillo went into medical distress.

Time – Officers Richmond and Hunt were faced with seconds to react which limited their options when they first encountered Cedillo sitting in a driveway; however, when the officers believed Cedillo had possibly been struck by a vehicle they acted quickly to confirm Cedillo was not injured. Officers Richmond and Hunt demonstrated patience and took time to assess Cedillo's behavior in an attempt to deescalate their contact with him. The contact with Cedillo escalated due to Cedillo's sudden, unprovoked and agitated behavior as the officers made contact with Cedillo. Cedillo was not injured, but the officers opined he was possibly under the influence of narcotics or wanted to harm himself.

Redeployment and/or Containment – Officers Richmond and Hunt contacted Cedillo who was on the driveway of a gas station that was open for business and could be struck by a vehicle, as the officers initially believed Cedillo was. The officers relocated Cedillo to the front of their police vehicle, allowing a much safer environment for Cedillo. This location also allowed Officers Richmond and Hunt to conduct an investigation and was a better position to control and search Cedillo. In response to Cedillo's actions, Officer Richmond conducted a takedown on Cedillo. Officer Richmond was acutely aware of the curb where they stood and ensured that as he turned Cedillo for the takedown, Cedillo would land on a flat surface and not the curb edge. Officers remained in that area on the ground until the arrival of the

LAFD RA. Cedillo was placed onto the gurney, affording the officers more control of Cedillo's movements.

Other Resources – Officer Hunt utilized his handheld radio to broadcast a request for an additional unit when Cedillo began to pull away. Officer Richmond requested for a backup once he took Cedillo to the ground. These broadcasts brought additional officers to the location who could assist in maintaining control of Cedillo. The HRD was later applied to Cedillo in an effort to better control him in order to provide medical assistance as a result of the officers request for a RA to respond.

Lines of Communication – Officers Richmond and Hunt communicated their observations with each other prior to making contact with Cedillo. Officer Richmond communicated with Cedillo and asked for his information. When Cedillo refused to answer him, Officer Hunt attempted to obtain information and questioned Cedillo. Prior to moving Cedillo over to the police vehicle, the officers explained their intended actions to Cedillo and obtained his cooperation. Officer Richmond used clear communication to Cedillo, advising him of Officer Richmond's intent to conduct a pat down search for weapons prior to attempting to do so. Throughout the incident the officers continued to attempt to establish communications with Cedillo using clear and concise commands. The officers informed Sergeant Briscoe, along with the additional officers who responded to the incident, of their situation. Upon the arrival of LAFD personnel, the officers at the location communicated effectively with them to ensure Cedillo received timely medical treatment.

- During the review of the incident, the following Tactical Debriefing Points were noted:

Debriefing Point No. 1 Hobble Restraint Device

- *Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute (Los Angeles Police Department Use of Force – Tactics Directive No. 2.2, Hobble Restraint Device – November 2017).*

After the HRD was applied, Officers Richmond and Hunt applied bodyweight to Cedillo while he was in a prone position on two occasions. Additionally, Officers Richmond and Hunt placed Cedillo in a right lateral recumbent position, instead of the left.

Officer Menasakanian released the end of the HRD strap after the first application of bodyweight.

In this case, during the First Application of Non-Lethal Force, Officers Richmond and Hunt maintained their bodyweight on Cedillo after the HRD was applied and while Cedillo remained in a prone position. According to Officers Richmond and Hunt, Cedillo had not yet been searched and his actions caused them to believe that he was possibly armed. The officers maintained their positions, controlling Cedillo until

a cursory pat down search for weapons was completed. At the completion of the search, Cedillo was rolled into a right lateral recumbent position. According to Officers Richmond and Hunt, they were unable to place Cedillo on his left side due to his position on the ground and the slope of the driveway. The officers requested an RA to respond to the location and continuously monitored Cedillo's medical status until the arrival of the RA.

During the Second Application of Non-Lethal Force, Officers Richmond and Hunt maintained their bodyweight on Cedillo in the prone position as he continued to physically resist. Officers Richmond and Hunt were concerned for Cedillo's safety if they placed him in a seated position or attempted to control Cedillo while he was on his side due to his continued physical resistance and their belief that he was under the influence of narcotics. Therefore, when the second application of bodyweight force was applied, Officers Richmond and Hunt placed Cedillo back into a prone position which had already been successfully utilized to overcome his physical resistance. This position allowed the officers to utilize a minimal amount of force and the officers believed it minimized the risk of injury to Cedillo. Officers Richmond and Hunt maintained control of Cedillo until LAFD personnel assisted them in placing Cedillo onto the gurney.

Additionally, after applying the HRD, Officer Menasakanian held onto the HRD strap for a portion of the incident and then let it go, dropping it onto the ground. To allow for an additional method of controlling Cedillo, the Chief would have preferred that Officer Menasakanian maintained control of the HRD strap for the duration that it was applied.

Debriefing Point No. 2 Left Lateral Recumbent (Hobble Restraint Device Position)

- Officers Richmond and Hunt placed Cedillo in a right lateral recumbent position, instead of the left when turned to the recovery position.

In this case, at the completion of the search, Cedillo was rolled into a right lateral recumbent position. According to Officers Richmond and Hunt, they were unable to place Cedillo on his left side due to his position on the ground and the slope of the driveway.

Sergeant Briscoe closely monitored and assessed the incident and Cedillo's behavior. Sergeant Briscoe ensured that Officer Richmond was actively monitoring Cedillo's condition on the ground. Sergeant Briscoe determined that it was tactically appropriate to leave Cedillo on his right lateral side. Sergeant Briscoe believed that by not moving Cedillo it would prevent him from becoming more agitated or possibly violent again.

The UOFRB discussed the decision to leave Cedillo on his right lateral recumbent position at length and the Department's tactical directive which does not prohibit such positioning, but does not find it to be optimal. The Chief would have preferred that the officers and Sergeant Briscoe ensured that Cedillo was placed in the left lateral recumbent position. However, the UOFRB opined, and the Chief concurred, that due to the slant of the driveway and Cedillo's actions, it was reasonable to leave him

on his right lateral recumbent position. This will be included in the Tactical Debrief of the involved officers.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, the officers' actions were reasonable and justified. The Chief directed that this be a topic of discussion during the Tactical Debrief

Debriefing Point No. 3 Positional Asphyxia (Hobble Restraint Device)

- In this case, Officers Richmond and Hunt placed Cedillo in a prone position in an attempt to control his violent behavior on two separate occasions after the application of the HRD.

Placement of an individual in the prone position introduces the concern for positional asphyxia and the need to actively monitor breathing and signs of medical distress. An officer is responsible for monitoring the individual's condition and shall request a rescue ambulance if the individual shows signs of medical distress, such as unconsciousness or has difficulty breathing. In this case, the RA request for Cedillo was not for difficulty breathing or unconsciousness, but for a facial laceration. Officers Richmond and Hunt actively monitored Cedillo for breathing throughout their application of force with him.

Sergeant Briscoe monitored and assessed the incident and Cedillo's behavior. Sergeant Briscoe ensured that Officer Richmond was actively monitoring Cedillo's condition while on the ground.

The Chief noted that officers and supervisors were actively monitoring Cedillo and were acutely aware of his breathing while in the prone position. The autopsy report identified no findings that establish asphyxia. Despite Cedillo's active resistance, the Chief would have preferred that the officers attempt to reposition Cedillo to a lateral recumbent position to minimize the possibility of positional asphyxia.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, the officers' actions were reasonable and justified. The Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Additional Unit/Supervisor Request** –It would have been tactically advantageous to have requested a supervisor based on their initial observation of Cedillo's actions and the belief by the officers that Cedillo was possibly a danger to himself. The Chief directed that this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk.*

Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments,

managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

In reviewing this incident, the UOFRB acknowledged the responding officers' and supervisors' overall effectiveness in response to Cedillo's actions.

Sergeant Briscoe arrived during the first application of non-lethal force and assumed the role of the incident commander. Sergeant Briscoe monitored Cedillo's medical condition and directed the officers to request for an RA to respond. Sergeant Briscoe gave clear and concise direction to the officers and exhibited a calm demeanor. Sergeant Briscoe minimized risk by controlling the number of officers involved in the use of force. Sergeant Briscoe developed a plan to safely transfer Cedillo onto the LAFD gurney and assigned two officers, who were uninvolved in the use of force, to accompany Cedillo to the hospital. Upon becoming aware of the change in Cedillo's medical condition to that which indicated this incident may become a Categorical Use of Force incident, Sergeant Briscoe initiated post categorical use of force protocols. Sergeant Briscoe separated and monitored Officers Richmond and Hunt. Additionally, Sergeant Briscoe transported Officer Hunt to Van Nuys Community Police Station.

Sergeant Andreas responded to the back-up request and arrived after the first application of non-lethal force had occurred. Sergeant Andreas met with Sergeant Briscoe, who advised him that a non-categorical use of force had occurred. Sergeant Andreas remained at the scene to assist with administrative duties, which included canvassing for witnesses and locating video surveillance. Once the incident appeared to possibly be a Categorical Use of Force incident, Sergeant Andreas transported Officer Richmond to Van Nuys Community Police Station.

The actions of these supervisors were consistent with Department supervisory training and met the Chief's expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined and the Chief concurred, that Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian and Sampson's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief directed that Sergeants Briscoe and Andreas, along with Officers Richmond, Hunt, Menasakanian, and Sampson attend a Tactical Debrief and that the specific identified topics are discussed.²⁷

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On April 23, 2019, Officers Richmond and Hunt attended a GTU. All mandatory topics were covered, including Reverence for Human Life and In Custody Deaths.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

²⁷ Officer Sampson resigned as an employee of the Department for factors not associated with this incident.

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Non-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

First Application of Non-Lethal Force

Officer Richmond – Wristlock, Physical Force, Takedown and Bodyweight. According to Officer Richmond, Cedillo became erratic and moved his body around. Cedillo pulled away from Officer Richmond. In order to gain greater control over Cedillo, Officer Richmond applied a wristlock to Cedillo's left wrist. Simultaneously, Officer Richmond used physical force and pressed Cedillo against the police vehicle, using it as a controlling agent. Cedillo then began kicking and attempted run away. Cedillo spun and Officer Richmond used the momentum to take Cedillo to the ground. Cedillo kicked and attempted to roll out of Officer Richmond's grasp. While

on the ground, to overcome Cedillo's resistance and prevent his escape, Officer Richmond maintained his wristlock on Cedillo's left wrist and applied bodyweight with his chest against Cedillo's back.

Officer Richmond recalled,

He started to become even more erratic and began moving around quite a bit. And so my partner and I moved him closer to the vehicle in order to gain greater control over him. And at that point I advised him again I needed to check his pockets for any weapons, and he began -- pulled away -- moving his leg away from the direction where my hand was. My partner requested an additional unit due to his erratic behavior in order to again deescalate the situation. And at that point he continued to act erratic, so I placed him in a wrist lock. I placed his left wrist in a wrist lock in order to gain greater control over him. He -- I advised him again that I was going to have to pat him down. And as I went to reach -- to pat him down, he again pulled away, but at this point what you don't see on the camera is he begins kicking at us. Multiple times he's kicking back at us -- at me and my partner. And not only is he kicking, but he's trying to spin and run away. And so I -- as he spins, I used his momentum and took him to the ground. At that point as we were headed to the ground, I observed the edge of the curb and I didn't want -- due to him being handcuffed and unable to stop himself, I didn't want to take him down into the curb, and so I spun a little farther away from the edge of the curb in order to take him down on a flat surface. At that point he begins to writhe and kick, and I landed on his back. I believe I maintained the wrist lock at this point. I placed my chest on his back in order to gain greater control of him. He still was trying to kick. My partner wrapped up his legs. And I requested a backup due to us not being able to do anything other than just maintain the position we had on the ground. I immediately put my radio away and resumed placing both hands on the suspect. While we were waiting for additional units to get there, he was writhing the entire time. My partner and I are both larger individuals. And he was moving both of us to the point where my partner had to roll up both of his legs and then I had to sprawl, so he wouldn't roll over. He was trying to roll out of our grasp the whole time.²⁸

I was not only holding his wrist lock and his arm, I was also pressing him into our vehicle using it as a controlling agent.²⁹

My right arm, I believe, maintained the wrist lock and so it was trapped under my chest, which was placed against his back. He was -- I know I got my radio out with my left hand and requested the backup and put my radio back. I don't remember where I put my left hand at that point. I believe I just put it on his back. But my

²⁸ Officer Richmond, First Interview, Page 10, Lines 13-25, Page 11, Lines 1-25 and Page 12, Lines 1-6.

²⁹ Officer Richmond, First Interview, Page 26, Lines 11-14.

chest -- again, I had my weight -- the majority of my weight distributed on his back with my chest. But because he was rolling and trying to again spin out of our grasp, I used like a sprawling technique. I spread my feet out in like a "V" and kept them out away from him, so that he wasn't able to roll away from us.³⁰

Officer Hunt – Firm Grip, Physical Force and Bodyweight.

According to Officer Hunt, Officer Richmond attempted to search Cedillo for weapons, and Cedillo jerked around side to side. Officer Hunt held Cedillo's right bicep with his right hand and Cedillo's left forearm with his left hand. Cedillo pushed his weight back towards Officer Hunt and Officer Hunt used physical force to push Cedillo against the hood of the police vehicle. Cedillo started to kick his legs back at Officer Richmond and tried to run away. Officer Hunt released his firm grip on Cedillo's arm as Officer Richmond took him to the ground. Officer Hunt then wrapped both of his arms around Cedillo's legs and applied bodyweight with his chest to overcome his resistance. Additional units arrived and Officer Hunt raised Cedillo's legs while another officer applied the HRD. Cedillo continued to push up against Officers Richmond and Hunt. Officer Hunt then used his knees and applied bodyweight to the back of Cedillo's legs. Officer Hunt placed his right hand on Cedillo's ankles and his left hand on Cedillo's thighs.

Officer Hunt recalled,

And when Richmond went to pat down his left pocket, he started to jerk around side to side. And I was holding onto his right bicep with my right hand and his left forearm with my left hand to control him, because he was jerking around so much. And after he patted him down, we asked what was in his pockets and he said, "I don't have nothing in my pockets." And either way, we needed to make sure there weren't any weapons in there or other contraband for our safety. So I continued holding him. And then he tried leaning backwards on us, and so we both pushed him forward to the hood of the car. I then requested for an additional unit over the radio.³¹

So then Richmond went to pat him down again on his left pocket, and then he just -- he started to kick his legs back. He didn't make contact with me that I remember, but I thought he was making -- he was kicking my partner. Then he appeared to possibly try to -- he made a movement to the left side of us as though -- I thought he was trying to run away. And Richmond immediately pushed him forward and down to the ground, so he was laying [sic] face down on the ground. And I went to grab his legs. I put my -- I wrapped both my arms around his legs, placing my right arm under and my left arm under as well. And my chest was on top of the back of his legs while he was there.³²

³⁰ Officer Richmond, First Interview, Page 30, Lines 2-15.

³¹ Officer Hunt, First Interview, Page 10, Lines 11-23.

³² Officer Hunt, First Interview, Page 11, Lines 8-21.

Officer Menasakanian grabbed his hobble. And while I was holding the legs, I just lifted them up. He put the -- wrapped the hobble around it and strapped it down. Once he did that, I changed my position to putting my knees on the back of his legs and my right hand on

his ankles and my left hand on his thighs where I felt like I had better control of his legs, because he was still trying to push up to try to get us off of him. And even though I'm over 200 pounds and he was a smaller individual, he was still able to basically lift me up a little bit.³³

Second Application of Non-Lethal Force

Officer Richmond – Bodyweight.

According to Officer Richmond, Cedillo awoke agitated and started jerking around upon contact with LAFD personnel as they attempted to gain information from him. Officers Hunt and Richmond rolled Cedillo onto his stomach. Officer Richmond applied bodyweight to Cedillo's back utilizing his knees. Cedillo continued to rock, and push his body up which resulted in moving both Officers Richmond and Hunt up and down. When Cedillo stopped resisting, Officers Richmond and Hunt, with the help of the LAFD personnel, placed Cedillo onto the gurney.

Officer Richmond recalled,

When the rescue ambulance arrived, the EMT immediately woke him -- awoke him -- woke the suspect and he immediately started actively kicking and moving both my partner and I again. I rolled him back to his stomach and placed both my knees on his back and again verbalized for him to stop resisting. My partner and I -- my partner placed his knees on his legs, and he was again moving both of us throughout this whole time. I continued to verbalize until he stopped resisting. And when he stopped resisting, they had the gurney behind us, and we immediately placed him on the gurney and handcuffed him to -- both hands to the sides of the gurney.³⁴

He was -- I placed basically my shins on his back area. My right shin was on his upper back. My left shin was on his lower back. And as he -- he was rocking, my toes went from the ground to raise, from the ground to raise. And, again, that was evidence to how much he was moving us, because I was laying the majority of my weight onto him and he was still moving me to completely be in the air back down to where my toes were touching the ground.³⁵

³³ Officer Hunt, First Interview, Page 12, Lines 10-21.

³⁴ Officer Richmond, First Interview, Page 13, Line 25 and Page 14, Lines 1-12.

³⁵ Officer Richmond, First Interview, Page 51, Lines 11-20.

Officer Hunt – Bodyweight.

According Officer Hunt, the RA arrived and LAFD personnel spoke with Cedillo. Cedillo became agitated and started jerking around. Officers Hunt and Richmond placed Cedillo onto his stomach. To prevent Cedillo from harming LAFD personnel, Officer Hunt applied body weight utilizing his knees to the back of Cedillo's legs. Cedillo pushed up and lifted Officer Hunt off of the ground.

Officer Hunt recalled,

And once the RA showed up, they tried talking to him. And somehow he -- it maybe -- it woke him up and he got agitated again and started jerking around like he was before. So we put him back on his stomach. And I took the position I was in before, having my knees on the back of his legs and I was holding his ankles down with my right hand and my left hand was on his thigh, because -- And, again, he was pushing up, trying to get me off of him. And I was holding him down trying to maintain control, so that the RA would be able to -- we have enough control to get him onto the gurney and to keep FD safe while they were there.³⁶

Even though his legs were hobbled, he was still -- he was on his stomach and able to bend his knees back -- his legs back towards his back. And in doing so, he was pushing me up. And I had to -- to prevent -- just so I could gain control of him, I was pushing his legs down because he was lifting me off the ground.³⁷

The UOFRB closely examined both applications of non-lethal force and the total duration of time bodyweight was applied in each instance. The UOFRB noted that although Cedillo was smaller in stature than Officers Richmond and Hunt, Cedillo's level of physical resistance and demonstrated strength was so great that he was able to move his body even as the officers attempted to restrain him. The UOFRB also noted that throughout the incident both Officers Richmond and Hunt remained calm and exhibited great patience and concern for Cedillo's well-being and safety. Throughout the incident, the officers repeatedly verbalized with Cedillo and attempted to de-escalate the situation. The officers utilized the minimal level of force to protect themselves and LAFD personnel from Cedillo and to prevent his escape by using several different techniques of physical force. The officers demonstrated restraint and did not utilize less-lethal force options even though Cedillo physically resisted them.

The Chief noted, the autopsy report ascribed the cause of Cedillo's death six days after the incident to anoxic encephalopathy, due to cardiopulmonary arrest from the effects of methamphetamine. During the autopsy, no fatal traumatic injuries or findings that established asphyxia were identified. Determination of the amount of force used by the officers and the physical effects of the restraint could not be established at autopsy resulting in Cedillo's death being listed as undetermined.

³⁶ Officer Hunt, First Interview, Page 13, Lines 19-25 and Page 14, Lines 1-6.

³⁷ Officer Hunt, First Interview, Page 26, 18-24.

The UOFRB reviewed the BWV of the officers during the application of bodyweight force. The BWV depicted Cedillo actively resisting and yelling during both applications. Officers also ensured Cedillo was breathing after each application of force as he was placed in the right lateral recovery position³⁸. However, when officers placed Cedillo in the recovery position the Chief would have preferred that Cedillo was placed in the left lateral recovery position as this is the recommended placement delineated and discussed in the Department, Hobble Restraint Device training bulletin.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Richmond and Hunt while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Cedillo's resistance.

Therefore, the Chief found Officers Richmond and Hunt's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Additional/Equipment

Body Worn Video (BWV)/Digital In-Car Video System (DICVS) Activation – The investigation revealed that Officers Richmond and Hunt did not activate their DICVS prior to conducting their pedestrian stop on Cedillo.

Officer K. Stepan, Serial No 36697, Van Nuys Patrol Division, did not activate his BWV during his response to the location of the backup request.

Sergeant Briscoe manually powered-off off his BWV while in the field while speaking with Sergeant Andreas. As a result, his next BWV recording had a short buffering time of approximately four seconds.

Sergeant Andreas located the BWV devices that had fallen off of Officers Richmond and Hunt and placed the BWV devices on the hood of the police vehicle instead of giving the BWV devices back to Officers Richmond and Hunt to remount onto their uniforms.

Captain Chandler was notified of the aforementioned issues. Captain Chandler conducted an audit and analysis of BWV and DICVS usage by all of the involved personnel and determined that there were no personnel who had any similar previous incidents. Captain Chandler addressed the issues with Sergeants Andreas and Briscoe, along with Officers Richmond, Hunt, and Stepan, with divisional counseling which was entered into the Learning Management System (LMS) and with the generation of a Supervisory Action Items (SAI). The Commanding Officer of Operations -Valley Bureau (OVb) and the Director of the Office of Operations (OO)

³⁸ Intradepartmental Correspondence, Page 5, Officers Richmond and Hunt *rolled Cedillo onto his side into a recovery position*. Officer Richmond then *immediately verified that Cedillo was breathing*.

concurred with the above actions. As such, the Chief deemed no further action was necessary.

Audio/Video Recordings

Digital In-Car Video System/Body Worn Video – Van Nuys Patrol Division officers were equipped with BWV at the time of the incident. Officers Richmond and Hunt's BWVs captured the initial contact with Cedillo and a portion of the non-lethal use of force. However, during the application of non-lethal use of force by Officers Richmond and Hunt, both of their BWV devices were dislodged from their uniforms. The additional responding sergeants, along with the an Nuys Patrol Division officers, activated their BWVs in response to this incident. Their individual BWVs captured portions of the non-lethal use of force.

Outside Video – Surveillance video obtained from the 76 Gas Station captured Cedillo's actions and behavior prior to the arrival of Officers Richmond and Hunt. Additionally, the video captured portions of the non-lethal use of force.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis regarding the officers' actions prior to Cedillo being placed in a prone position with the HRD having been applied. As indicated below in the Inspector General Recommendations section of this report, some of the force applied to Cedillo during this latter portion of the incident did not comport with the Department's use of force policy.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's finding of Tactical Debrief for Sergeant Andreas and Officers Menasakanian and Sampson. *The OIG recommends a finding of Administrative Disapproval for Sergeant Briscoe and Officers Richmond and Hunt.*
- Officers Richmond and Hunt restrained Cedillo in a prone position for a period of 2 minutes and 46 seconds at a time when handcuffs and an HRD had already been applied to him. Use of Force Tactics Directive No. 2.2 Hobble Restraint Device states, in relevant part: "If body weight is used to gain control of an individual, officers should only apply direct weight to the suspect's back for as long as reasonable to control and secure the individual. Once the HRD is secured, officers shall immediately search the waistband area and then immediately place the individual in an upright, seated position or on his or her left side (left lateral recumbent position). If this is not possible due to medical or tactical issues, then placing the individual on his/her right side is an acceptable substitute. This minimizes the time the suspect spends on his/her stomach after being restrained. If the individual continues to act

violently or aggressively toward the officers, one officer should use physical force to hold the person in the approved positions, described above, while the partner maintains control of the HRD's strap."³⁹

The standard established by Department training regarding a suspect who has been secured with handcuffs and an HRD specifically defines the positions in which the suspect may be restrained, including in situations where the suspect acts violently or aggressively. The restraint of Cedillo in a prone position was a substantial deviation from that standard. During the 2 minutes and 46 seconds when Cedillo was held in the unapproved prone position, and despite the presence of ample resources on scene, the officers did not attempt to place Cedillo back into an approved position or to control him in a manner consistent with the standard defined by Department training. The evidence in this case does not establish any justification for the officers' failure to restrain Cedillo in a manner consistent with Department training. As such, the OIG recommends a finding of Administrative Disapproval for Officers Richmond and Hunt.

- Sergeant Briscoe was present throughout Officers Richmond and Hunt's restraint of Cedillo in an unapproved position, and he was aware of the manner in which the restraint was being carried out. As an on-scene supervisor who assumed the role of Incident Commander, Sergeant Briscoe had a duty to ensure that the involved officers performed in accordance with Department training and policy. Sergeant Briscoe failed to correct Officers Richmond and Hunt's unauthorized restraint of Cedillo. Accordingly, the OIG recommends a finding of Administrative Disapproval for Sergeant Briscoe.

Non-Lethal Use of Force

- The OIG concurs with the Chief's finding of In Policy for the non-lethal use of force by Officer Hunt. The OIG concurs with the Chief's finding of In Policy for the non-lethal use of force by Officer Richmond that occurred prior to the final restraint of Cedillo in a prone position with the HRD applied.
- *The OIG recommends a finding of Out of Policy for the non-lethal use of force by Officer Richmond in the form of body weight on Cedillo's back while Cedillo was restrained in a prone position with the HRD applied.*
- As noted above, Cedillo was restrained in an unapproved prone position, with the HRD having been applied, for a period of 2 minutes and 46 seconds. During this time, as illustrated by video evidence, Officer Richmond applied most of his body weight to Cedillo's back. As reported by FID, Officer Richmond weighed approximately 250 pounds. During this application of body weight, there was intermittent movement by Cedillo as well as periods of time during which no movement by him was visible.

³⁹ Use of Force Tactics Directive No. 2.2 Hobble Restraint Device, November 2017.

In its consideration of Officer Richmond's application of his substantial body weight to Cedillo's back during this portion of the incident, the OIG noted that the degree of threat posed by Cedillo to the officers was limited due to his restraint with handcuffs and an HRD; that there was no opportunity for Cedillo to escape from custody; and that the seriousness of the suspected crime for which Cedillo was being detained was minimal. Moreover, the force used by Officer Richmond was applied in order to maintain Cedillo in a position that violated the standards set by Department training and policy. Based on these factors, this use of body weight by Officer Richmond was unreasonable and in violation of Department policy.

- The OIG was concerned that Officer Hunt used his body weight to restrain Cedillo's legs while Cedillo was being held in an unapproved position. However, in its review of this matter, the OIG noted that the degree of force and the manner in which it was applied appeared to be equivalent to that which could have legitimately been used to hold Cedillo in an approved position. As such, the OIG's recommended finding of Administrative Disapproval for Officer Hunt's tactics sufficiently addresses this concern.



MARK P. SMITH
Inspector General